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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of : **KALLNER et al.**

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Serial No.: 10/053,872     : Group Art Unit: 2142

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Filed      : January 24, 2002 : Examiner: Benjamin A. Ailes

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For        : COMMUNICATION ENDPOINT SUPPORTING MULTIPLE
                PROVIDER MODELS


Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450


### DECLARATION UNDER 37 CFR 1.131


Sir:


     We, the undersigned, Samuel Kallner, Lev Kozakov, Alexey Roytman, Uri Shani, and Pnina Vortman, hereby declare as follows:


     1) We are the Applicants in the patent application identified above, and are the inventors of the subject matter described and claimed in claims 1, 4-16, 26, 29-41, 56 and 59-71 therein.


     2) Prior to March 14, 2000, we conceived our invention, as described and claimed in the subject application, in Israel, a WTO country. We then worked diligently on reducing the invention to practice (in the form of software code in the Java programming language) during a period that began prior to

**Declaration under 37 C.F.R 1.131 by Kallner et al.**

March 14, 2000, and continued until the invention was actually reduced to practice and tested successfully on or about June 21, 2000. The software we created was a special implementation of the JTAPI specification, which we referred to as "Generic JTAPI" (or GenJTAPI). It provided an application programming interface (API), which enabled calls to be connected between parties via different service providers with different telephony signaling stacks, using an abstract call model, as recited in the claims of this patent application.

3) As evidence of the conception of the present invention, we attach hereto, in Exhibit A, a document that we completed on March 13, 2000, entitled "Network Infrastructure Design." This document clearly discloses the elements of claim 1 in the present patent application, as shown in the table below:

| Claim 1 | Exhibit A |
| --- | --- |
| 1. A method for communication, comprising: | The document relates to communication over "telephony networks" (line 1). |

| receiving a request from a first party, submitted via a first communication service provider to a telephony application, to place a call using the application to a second party; | As shown in Figure 4 (page 7), a source phone places a call using an application layer in a gateway to a destination phone. Figs. 5-7 show that calls of this sort may be placed between a PSTN phone (which uses the PSTN as a communication service provider) and an IP phone (which uses a packet network service provider). For calls originating from the PSTN phone, the PSTN is the first service provider. |
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| responsive to a characteristic of the call placed by the first party, selecting a second communication service provider to carry the call between the application and the second party; and | As shown in Figure 7 and explained in detail on page 13 (steps 4-9), the gateway recognizes that the call destination (a characteristic of the call) is an IP phone and redirects the call to an IP gateway (the second service provider), which carries the call to the destination phone. |
| connecting the second party via the second communication service provider to communicate with the first party using the application, | The result of the process shown on page 13 is that the source and destination phones are connected (steps 21-26). |

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| wherein receiving the request comprises submitting the request to the application via an application programming interface (API), which exposes a platform-independent call model to the application, and wherein connecting the second party comprises connecting the call responsive to an instruction submitted by the application to the API, and | As shown in Figure 3 (page 4), the Generic JTAPI Layer has JTAPI, JTSPI, and JTSPMI APIs. It provides a platform-independent call model to the application via the JTAPI API, through which the application submits call control instructions. |
| wherein the first and second communication service providers have respective first and second telephony signaling stacks, and wherein the call model comprises an abstract call model that is independent of the telephony signaling stacks used in placing calls to and receiving calls from the application. | In the examples shown in Figures 5-7, the PSTN and IP networks clearly have different protocol signaling stacks. (See also the different Telephony Stacks in Figure 3.) "The Generic Layer doesn't know anything about the configuration of the network below it…" (page 4, third paragraph), i.e., its call model is independent of the telephony stacks below it. |

4) In an earlier Declaration under 37 CFR 1.131, which we filed in this application on April 28, 2006, we submitted software source code that we developed in order to reduce the present invention to practice. This earlier Declaration and the exhibits that we submitted with it (including the software code) are incorporated herein by reference. In the earlier

Declaration, we showed that this code implemented all the elements of the claims in this application or at least, in the case of certain dependent claims, rendered their implementation obvious. We began development of this software code prior to March 14, 2000, and worked diligently on its development between March 14 and June 21, 2000.
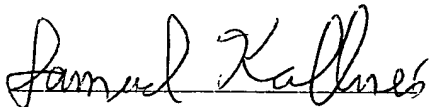
5) As proof of our diligence, we attach hereto, in Exhibit B, a version control listing for the HRL JTAPI project, showing dates on which files in the GenJTAPI program suite were updated. The listing includes the Java classes that were attached to our earlier Declaration, as well as other files in the program suite. The listing shows that updates were performed regularly during the period between March 14 and June 21, 2000, as we debugged and improved our programs.

6) As we explained in our earlier Declaration, the GenJTAPI software described above was tested in handling actual telephone traffic at the facilities of Sonera (a Finnish telecommunication service provider). The test took place on or about June 21, 2000. The successful test is described in an e-mail letter written by the project leader, Pnina Vortman, to IBM colleagues shortly after the test. This letter is attached hereto as Exhibit C. (The same letter, with the date blacked out, was submitted with our earlier Declaration.) As explained in the letter, GenJTAPI was proven to work for its intended purpose in conjunction with JTSPI and Service Management (JTSMI) in an actual telephony application on real switching equipment provided by Sonera.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and conjecture are thought to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

Samuel Kallner

Samuel Kallner
Citizen of Israel
52 Tal Menashe
D.N. Menashe 37867
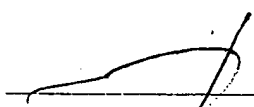Israel

Lev Kozakov
Citizen of Israel
80/8 Hatishbi Street
Haifa 34523
Israel

Date:

February 6th 2007

Date:

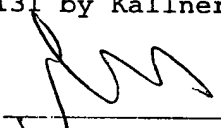Declaration under 37 C.F.R 1.131 by Kallner et al.

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Alexey Roytman

Citizen of Israel

68/6 Ben-Zvi Street

Kiryat Ata 28065

Israel

Date:

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Feb. 6, 2007

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Pnina Vortman

Citizen of Israel

21 Netiv Ofakim

Haifa 34467

Israel

Date:

_6.2.07_

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Uri Shani

Citizen of Israel
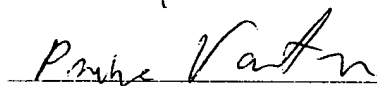
71 Givat Adi
17940

Israel

{ 8 BEN-ZVI St.
Q. MOTZKIN
26230 }  U.S

Date:

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